ENDING FAMILY VIOLENCE AND ABUSE IN ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES

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This is an overview paper of research and findings by the Human Rights and Equal Opportunity Commission 2001–2006.

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Section 2: Summary of Main Findings and Messages on Ending Family Violence and Abuse in Indigenous Communities

This section summarises the main findings from research and consultations conducted by the Human Rights and Equal Opportunity Commission between 2001 and 2006 that relates to family violence and abuse in Indigenous communities.

Family Violence – Key Messages

- Family violence is abhorrent and has no place in Aboriginal or Torres Strait Islander societies. It is a scourge that is causing untold damage and trauma among Indigenous communities, to our women and children, and to the fabric of Indigenous cultures.

- Indigenous, women, children and men are entitled to live their lives in safety and full human dignity. This means without fear of family violence or abuse. This is their cultural and their human right.

- Violence and abuse is a criminal matter. If an Indigenous person commits an offence they should be dealt with by the criminal justice system just as any other person would be. There should also be swift intervention from care and protection systems to ensure that the best interests of the child is the primary consideration.

- Government officials and community members should be fearless and bold in reporting suspected incidents of violence and abuse. This means addressing the code of silence that exists in many Indigenous communities about these issues. And it means government officers meeting their statutory obligations, meeting their duty of care and taking moral responsibility in the performance of their duties as public officials.

- Violence relates to almost every aspect of policy making and service delivery to Indigenous communities. The solutions to family violence and abuse in Indigenous communities are complex, multi-faceted and require long term focus and commitment to address. They require bi-partisan political will and leadership at the highest levels of government.

- Governments must work in partnership with Indigenous peoples and communities to identify and implement solutions to address family violence and abuse.

- We need to adopt a holistic approach to address the causes and the consequences of family violence in Indigenous communities.

- We can no longer accept the making of commitments to address Aboriginal and Torres Strait Islander inequality *without* putting into place processes and programs to match the stated commitments. Programs and service delivery must be adequately resourced and supported so that they are capable of achieving the stated goals of governments.

- We can also not accept the failure of governments to commit to an urgent plan of action. It is not acceptable to continually state that the situation is tragic and ought to be treated with urgency, and then fail to put into place bold targets to focus policy making over the short, medium and longer term or to fund programs so they are capable of meeting these targets.

Ten Key Challenges in Addressing Family Violence and Abuse

1. ***Turn government commitments into action:*** Governments have been making commitments to address family violence for some time already. What we need is concerted, long term action which meets these commitments.

2. ***Indigenous participation:*** This action must be based on genuine partnership with Indigenous peoples and with our full participation.

3. ***Support Indigenous community initiatives and networks*:** There are significant processes and networks already in place in Indigenous communities to progress these issues. We need to support them to lead efforts to stamp out violence, including by developing the educational tools to assist them to identify and respond to family violence.

4. ***Human rights education in Indigenous communities:*** There is a need for broad based education and awareness-raising among Indigenous communities. Working with communities to send strong messages that violence won't be tolerated, that there are legal obligations and protections, and that individuals have rights, are critical if we are to stamp out family violence.

5. ***Don't forget our men and don't stereotype them as abusers***. Family violence is fundamentally an issue of gender equality. We need strong leadership from women, but we also need the support of Indigenous men if we are to make progress in stamping out violence. Indigenous men need to model appropriate behaviour, challenge violence and stand up against it, and support our women and nurture our children.

6. ***Look for the positives and celebrate the victories*.** There are good things happening in Indigenous communities, even if the national media is not interested in reporting them. We need to confront family violence, but also do so by reinforcing the inherent worth and dignity of Indigenous peoples, not by vilifying and demonising all Indigenous peoples.

7. ***Re-assert our cultural norms and regain respect in our communities.*** Family violence and abuse is about lack of respect for Indigenous culture. We need to fight it as Indigenous peoples, and rebuild our proud traditions and community structures so that there is no place for fear and intimidation.

8. ***Ensure robust accountability and monitoring mechanisms:*** There must be accountability measurements put into place to hold governments to their commitments. This requires the development of robust monitoring and evaluation mechanisms. These will also allow us to identify and celebrate successes.

9. ***Changing the mindset*:** We require a change in mindset of government from an approach which manages dysfunction to one that supports functional communities. Current approaches pay for the consequences of disadvantage and discrimination. It is a passive reactive system of feeding dysfunction, rather than taking positive steps to overcome it. We need a pro-active system of service delivery to Indigenous communities focused on building functional, healthy communities.

10. ***Targeting of need:*** Let us be bold in ensuring that program interventions are targeted to address need and overcome disadvantage. As it stands, government programs and services are not targeted to a level that will overcome Indigenous disadvantage. Hence, they are not targeted in a way that will meet the solemn commitments that have been made. They are targeted to maintain the status quo.

Defining Family Violence in Indigenous Communities

- Indigenous concepts of violence are much broader than usual mainstream definitions of domestic violence. For Indigenous peoples, the term *family violence* better reflects their experiences.

- Family violence involves any use of force, be it physical or non-physical, which is aimed at controlling another family or community member and which undermines that person's well-being. It can be directed towards an individual, family, community or particular group. Family violence is not limited to physical forms of

abuse, and also includes cultural and spiritual abuse. There are interconnecting and trans-generational experiences of violence within Indigenous families and communities.

- There are significant deficiencies in the availability of statistics and research on the extent and nature of family violence in communities. What data exists suggests that Indigenous people suffer violence, including family violence, at significantly higher rates than other Australians do. This situation has existed for at least the past two decades with no identifiable improvement.

- Indigenous women's experience of discrimination and violence is bound up in the colour of their skin as well as their gender. The identity of many Indigenous women is bound to their experience as Indigenous people. Rather than sharing a common experience of sexism binding them with non-Indigenous women, this may bind them more to their community, including the men of the community.

- Strategies for addressing family violence in Indigenous communities need to acknowledge that a consequence of this is that an Indigenous woman 'may be unable or unwilling to fragment their identity by leaving the community, kin, family or partners' as a solution to the violence.

Designing Programs to Address Family Violence

- There are currently a patchwork of programs and approaches to addressing family violence in Indigenous communities among federal, state and territory governments, but there remains a lack of coordination and consistency in approaches to addressing these issues between governments and among different government agencies. Significant gaps also exist.

- There are three recurring strategic aspects that need to be present to address family violence in Indigenous communities, namely that:
    - programs be community-driven (with leadership from men as well as women);
    - community agencies establish partnerships with each other and with relevant government agencies; and
    - composite violence programs are able to provide a more holistic approach to community violence.

- An emphasis solely on criminal justice responses to family violence poses two main concerns for Indigenous women.
    - The first is that the system is generally ineffective in addressing the behaviour of the perpetrator in the longer term. The effect of imprisonment is to remove them from the community and then, without any focus on rehabilitation or addressing the circumstances that led to the offending in the first place, to simply return them to the same environment.
    - The second is that there are a range of barriers in the accessibility and cultural appropriateness of legal processes which discourage Indigenous women from using the criminal justice system in the first place.

- Existing programs addressing Indigenous family violence programs can be categorised into the following broad areas of intervention:
    - *Support programs* - Accessible and appropriate counselling is essential, not only for the victims and perpetrators of violence, but also for family and community members who not only deal with the issue of violence itself but to also provide post-violence counselling to family members.
    - *Identity programs* – Identity programs are those that are aimed to develop within the individual, family or community, a secure sense of self-value or self-esteem. This can be achieved through diversionary programs and also through therapy based programs that focus on culturally specific psychological or spiritual healing. All these programs may be accessed prior to, and after involvement with violence, and offer a longer-term response through attempting to change the situational factors underlying violence.
    - *Behavioural change (men and women's groups)* – as the majority of family violence is perpetrated by men, strong support for men's behavioural reform programs is required. Complementary

groups and support services for Indigenous women should be run parallel to men's programs and complementary preventative/intervention programs for youth be an integral part of the whole strategy.

- *Night patrols* - have the potential to build cooperation and mutual respect and support with local police. Night patrols, particularly in remote areas, use and strengthen Aboriginal mechanisms for social control, thereby ensuring that traditional methods are afforded a key role in the control of anti-social behaviour, minor criminal infractions and potentially serious criminal incidents in the Aboriginal community.

- *Refuges and Shelters* - while an important part of any family violence intervention strategy, they are not a sufficient response to the difficulties produced by high levels of violence in Indigenous communities. They represent a reactive strategy in addressing the underlying causes, thereby creating no possibility of a change in the pattern of violent behaviour. Refuges and women's shelters need to be coupled with other proactive strategies targeted at the perpetrators of violence and other situational factors.

- *Justice programs* – the roles of justice programs, which are characteristically aimed at the perpetrators of violence, are to mediate between people in conflict, designate appropriately cultural punishments for victims, for example through circle sentencing and the prevention of recidivism.

- *Dispute resolution* – Anecdotal evidence suggests that success has been achieved where impartial members of the Indigenous community are used as facilitators and traditional dispute-resolution techniques are incorporated into mediation processes.

- *Education and awareness raising* – Education and training programs are vital to raise awareness about family violence prevention; as well as develop skills within communities to resolve conflicts and identify the need for interventions with perpetrators. There are (currently) no educational programs targeted at young children for use in Indigenous pre-schools and schools. With the knowledge we now have about the detrimental effects of violence on children, or witnessed by children and the generational cycles by which violence is transmitted, it is essential to provide violence prevention education programs within pre-schools and schools.

- *Holistic composite programs* – Programs which are comprised of elements of the above categories. These operate to target different forms of violence in the community, target different categories of offenders or victims, or employ different methods of combating or preventing violence.

- The implementation of composite programs, particularly in communities displaying multiple forms of increasing violence, is shown to be an emerging and preferred approach that reflects a more systematic way of combating violence, combining both proactive and reactive methods which target different age and gender groups.

- An issue for governments introducing services is how to best trigger such programs in communities where they are obviously needed while at the same time creating a climate whereby the programs are community-originating, motivated and controlled. The *Violence in Indigenous Communities report* (by Memmott, Stacy, Chambers and Keys, herein the Memmott report) recommends 'that government agencies take a regional approach to supporting and coordinating local community initiatives, and assisting communities to prepare community action plans with respect to violence'.

The full text of this Report is available online at: <http://www.hreoc.gov.au/pdf/social_justice/family_violence2006.pdf>.